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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/887,593	06/21/2001	Daniel E. Afar	G&C 129.18USD1	9040

7590 03/25/2003

Attention of Karen S. Canady
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EXAMINER

NICKOL, GARY B

ART UNIT PAPER NUMBER

1642

DATE MAILED: 03/25/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Response to Amendment

The amendment filed on 12-31-02 canceling all claims drawn to the elected invention and presenting only claims drawn to a non-elected invention is non-responsive (MPEP § 821.03).

The remaining claims are not readable on the elected invention because Applicant's elected Group (Group XII claims 66,68) were originally drawn to a method of treating a patient with a cancer that expresses BPC-1 comprising inhibiting the processing of BPC-1 in the cells of said cancers said method further comprising administering chemotherapy or radiation therapy to the patient. However, the new claims are drawn to a method of modulating cells that express **19P1E8** comprising administering the cells an altering composition which alters the status of **19P1E8** which is independent and/or distinct from the elected invention because the elected invention was solely drawn towards treating a patient *with a cancer that expresses BPC-1*.

Furthermore, the newly presented claims encompass materially distinct methods which differ at least in objectives, method steps, reagents and/or dosages and/or schedules used, response variables, and criteria for success.

Since the above-mentioned amendment appears to be a *bona fide* attempt to reply, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE. In no case may an applicant reply outside the SIX (6) MONTH statutory period (beginning with the mail date of this action) or obtain an extension for more than

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FIVE (5) MONTHS beyond the date for reply set forth in an Office action. A fully responsive reply must be timely filed to avoid abandonment of this application.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary B. Nickol Ph.D. whose telephone number is 703-305-7143. The examiner can normally be reached on M-F, 8:30-5:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Caputa can be reached on 703-308-3995. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-3014 for regular communications and 703-308-4242 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0196.

Gary B. Nickol, Ph.D.
Examiner
Art Unit 1642

GBN
March 21, 2003

